IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 248 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE D.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

G.S.R.T. CORPORATION

Versus

MRUDULA NAVLAKISHORE DAVE

Appearance:

1. First Appeal No. 248 of 1986

MR MD PANDYA for Petitioner No. 1

MR BD KARIA for Respondent No. 1-2

NOTICE UNSERVED for Respondent No. 3

MR KF DALAL for Respondent No. 4

CORAM : MR.JUSTICE D.A.MEHTA

Date of decision: 23/04/2003

ORAL JUDGEMENT

1 This appeal is filed by Gujarat State Road

Transport Corporation against the award dated 24/4/1985 in MAC Petition No.277 of 1982 passed by the Motor Accident Claim Tribunal (Main) Ahmedabad (Rural) at Narol. The Tribunal awarded a sum of Rs.36,000/- along with proportionate cost and interest.

2 It is mentioned on behalf of the parties to the appeal by Mr.M.D.Pandya, learned Advocate for the appellant and Mr.B.D.Karia, learned Advocate for the original claimant that compromise has been arrived at by the parties outside the Court and hence the appeal as well as cross-objections filed by the original claimants are required to be disposed of.

3 It is stated by Mr.Karia under instructions that the original claimant is ready and willing to accept Rs.35,000/- as compensation instead of Rs.36,000/awarded by the Claims Tribunal, and hence, the appeal be allowed to the said extent without going into the merits of the matter. Mr.Pandya agrees to this position and states that rest of the award shall remain unaffected.

4 In light of the settlement arrived at between the parties it is not necessary to set out the facts in detail or deal with the merits of the appeal. The impugned award is modified to the extent that instead of Rs.36,000/- awarded by the Claims Tribunal, the said figure shall be substituted by a figure of Rs.35,000/- to which the claimant shall be entitled to as compensation along with proportionate cost and interest.

5 The appeal is partly allowed to the aforesaid extent. There shall be no order as to costs.

6 Mr.Karia, learned Advocate for the cross objector i.e. original claimant seeks permission under instructions to withdraw the cross objections in light of the compromise arrived at between the parties. Permission granted. Cross objections are accordingly dismissed as withdrawn.

(D.A.Mehta,J)

m.m.bhatt